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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,291	08/31/2004	Jakob Gerrit Nijboer	NL 020208	6942

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BRIARCLIFF MANOR, NY 10510

EXAMINER

LAMB, CHRISTOPHER RAY

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/506,291	<b>Applicant(s)</b> NIJBOER ET AL.	
	<b>Examiner</b> Christopher R. Lamb	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/12/06</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claims 2, 6, and 11, require “extended information indicators which indicate the presence *and location* of the extended information blocks” (emphasis added). The extended information indicators described in the specification only indicate the presence of extended information blocks, not their location.

The relevant section of the application appears to be page 15, lines 26-27, where it says “the presence of an Extended Information block shall be indicated by a bit in byte 18,” and the example on page 16 where byte 18 is set to “0000 0001 indicating Extended Information block 0 is in use.” Determining the location is briefly mentioned in the last line of page 2 and the opening of page 3, but it is not described in any detail.

### ***Claim Objections***

2. Claims 1-12 are objected to because of the following informalities: the phrase “the at least one extended information block” is not grammatically correct. Appropriate correction is required.

3. Claims 3, 7, and 12 are objected to because of the following informalities: the phrase “a plurality of the at least one extended information block” does not make sense

in the case where there is only one extended information block. If there is only one block, there cannot be a plurality of them. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5-7, 9, and 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Su et al. (U.S. Patent 6,411,574).

Regarding claim 1, Su discloses a device for recording information (column 6, lines 8-11) on a track of a record carrier (inherent), the record carrier (a CD-R/CD-RW, column 5, line 35) comprises a disc information area with information about the record carrier (everything but the program area in Fig. 8), the device comprising disc information reading means for reading the disc information area (column 5, lines 17-35), wherein the disc information reading means are arranged for reading at least one extended information block (the data in the HCC area: column 5, lines 26-27) in the disc information area which extended information block comprises at least one additional parameter (expanded recording time: column 5, lines 28-29) and a block version number indicator indicative of the definition of the additional parameter (the leading bits define the parameters stored: column 1, line 52 through column 2, line 4) including information related to interpreting the additional parameter for allowing the device to

establish from the block version number indicator whether the device is capable of interpreting the additional parameters (the leading bits tell the drive whether it can use the information or not, as in column 1, line 52 through column 2, line 4. For example, bit code 011 tells the drive the following information is not defined for a standard CD-R and CD-RW drive, so the standard drive knows it is not capable of interpreting it).

Regarding claim 2, in the device of Su disc information reading means are further arranged for reading extended information indicators of the disc information area, the extended information indicators indicating presence and location of the at least one extended information block (column 4, lines 51-54).

Regarding claim 3, in the device of Su the disc information reading means are further arranged for reading a plurality of the at least one extended information block (several blocks are visible in Fig. 9), and wherein a predetermined value of the block version number of the extended information block indicates that a parameter block is a continuation of a preceding extended information block (the leading bits indicate such a continuation, described in column 1, line 52 through column 2, line 4: for example, 110 defines special information 2, a continuation of special information 1).

Claims 5-7 are directed to the record carrier read by the recording device of claims 1-3. All elements positively recited have already been discussed in the rejection of those claims.

Claims 9, 11, and 12 are method claims corresponding to the device of claims 1-3. All elements positively recited have already been discussed in the rejection of those claims.

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6. Claims 1-12 rejected under 35 U.S.C. 102(b) as being anticipated by Weirauch et al. (US 6,330,210).

Regarding claim 1, Weirauch discloses a device for recording information (Weirauch discloses write power calibration in column 3, line 53 to column 4, lines 7) on a track of a record carrier (Fig. 1: the track is 102), the record carrier comprising a disc information area with information about the record carrier (Fig. 1: 104), the device comprising disc information reading means for reading the disc information area (column 5, lines 12-17), wherein the disc information reading means are arranged for reading at least one extended information block in the disc information area (the extended information block is the DCB, or disc control block: reading it is discussed column 5, lines 12-17), the at least one extended information block comprising at least one additional parameter (the DCB contains control information: column 1, lines 44-48) and a block version number indicator indicative of the definition of the additional parameter (the DCB ID: column 3, lines 1-8) including information related to interpreting the additional parameter for allowing the device to establish from the block version number indicator whether the device is capable of interpreting the additional parameters (not every drive can recognize every DCB ID, column 3, lines 1-8, and if it does not recognize it, it cannot carry out the DCB requirements, and instead uses a set of default parameters: column 1, line 62 to column 2, line 5).

Regarding claim 2, in the device of Weirauch the disc information reading means are further arranged for reading extended information indicators of the disc information area, the extended information indicators indicating presence and location of the at least

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one extended information block (column 3, lines 1-25: the apparatus reads the DCB ID, which also functions as an extended information indicator, because a DCB ID of zero indicates an unused block; a number other than zero indicates the presence of an extended information block, and inherently its location, since it is the location immediately following the non-zero DCB ID. The DCB IDs are in the disc information area because all of the DCBs are written in the lead-in area, as noted in column 2, lines 57-67).

Regarding claim 3, in the device of Weirauch the disc information reading means are further arranged for reading a plurality of the at least one extended information block (column 2, lines 53-67), and wherein a predetermined number of the block version number of the extended information block indicates that a parameter block is a continuation of a preceding extended information block (the sequence number, column 5, lines 33-38; for this rejection, the examiner has considered an updated information block to be a "continuation" of a "preceding" information block. The preceding block is the old version, which has been overwritten by the continuation, or new version.)

Regarding claim 4, Weirauch's device is characterized in that the disc information reading means are arranged for reading the disc information area of a record carrier which disc information area comprises six extended information blocks (it can have up to sixteen: column 2, lines 63-65).

Claims 5-8 are directed to the record carrier read by the device of the previous claims. All elements positively recited have already been discussed in the rejection of those claims.

Claims 9-12 are method claims corresponding to the device of claims 1 and 4. All elements positively recited have already been discussed in the rejection of those claims.

### ***Response to Arguments***

7. Applicant's arguments filed April 12<sup>th</sup>, 2006 have been fully considered but they are not persuasive.

8. First, the Applicant has argued with the objection to the specification.

In the previous action, the Examiner had objected to the specification as failing to provide proper antecedent basis for the subject matter recited in claims 2, 6, and 11. The Applicant has responded by stating that the antecedent basis is contained in the following three sections: page 7, lines 7-8; page 18, lines 32-34; and page 20, lines 32-33.

These sections appear to be unrelated to the objectionable matter in the claims. The claim states that the *extended information indicators* indicate the presence *and location* of the extended information blocks. The specification describes extended information indicators, but they only indicate the presence of the blocks, not their location (as in page 15, lines 26-27, or page 16, line 15). None of the sections of the specification recited by the Applicant relate to this object.

Specifically:

Page 7, lines 7-8, relates to determining the location of a *session*, which is different than an extended information block.



Page 18, lines 32-34, is again related to the location of a session.

Page 20, lines 32-3, discusses the location of the "Reference Code Zone," but not how extended information indicators indicate the location of the extended information blocks.

As the Applicant has only cited those sections without explanation, the Applicant's argument is not considered to be persuasive.

9. Second, the Applicant has argued with the rejection of the independent claims.

Specifically, the Applicant has argued neither Su nor Weirauch discloses the features described in the newly amended language of claims 1, 5, and 9, specifically a "block version number indicator indicative of a definition of the additional parameter including information related to interpreting the additional parameter for allowing the device to establish from the block version number indicator whether the device is capable of interpreting the additional parameters" (emphasis in Applicant's remarks).

The Examiner respectfully disagrees. Both Su and Weirauch contain the amended features.

With regards to Su, the block version number indicator indicates to the apparatus whether the information in the block is defined for the apparatus or not. For example, as noted in column 2, lines 3-4, block version number indicator 011 indicates to the apparatus that the additional parameter in the block is "additional information 3" which is undefined for a standard CD-R and CD-RW. If the parameter is undefined, the device inherently knows it is not capable of interpreting it. On the other hand, the non-standard device of Su can read that block number and know that it contains useful information.

For example, in the embodiment described in column 4, lines 19-43, the apparatus knows that the 011 indicates that "additional information 3" contains time information that the device is capable of interpreting.

With regards to Weirauch, the block version number indicator is the DCB ID, as described in column 3, lines 1-25. The device either recognizes or does not recognize a DCB ID (as noted in column 1, line 61 to column 2, line 5). If it recognizes it, it is capable of acting on the additional parameters, and if it does not recognize it, it realizes it cannot act on those parameters and instead implements the standard control parameters it can understand (again, column 1, line 61 to column 2, line 5).

10. Third, the Applicant has argued that claims 2-4, 6-8, and 10-12 should be allowed based on the dependence from claims 1, 5, and 9. As claims 1, 5, and 9 have been rejected, this argument is moot.

11. Finally, the Applicant has denied every "statement, position, or averment of the Examiner that is not specifically addressed" by the Applicant's other arguments (remarks, page 15).

The Examiner respectfully suggests that the Applicant must be more specific in order to deny any of the Examiner's statements, positions, or averments.

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

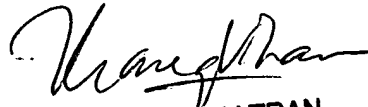
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Lamb whose telephone number is (572) 272-5264. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CRL 4/20/06

  
THANG V. TRAN  
PRIMARY EXAMINER